

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

SABATINO BIANCO, M.D.,

Plaintiff,

v.

GLOBUS MEDICAL, INC.,

Defendant.

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Case No. 2:12-CV-00147-WCB

VERDICT FORM

Question No. 1.

Do you find that Dr. Bianco has proved by a preponderance of the evidence that Globus Medical, Inc., misappropriated a trade secret belonging to Dr. Bianco?

Answer "yes" or "no."

Answer: YES

If you answered "yes" to Question No. 1, then answer Question No. 2. Otherwise, do not answer Question No. 2, and proceed to question No. 3.

Question No. 2.

a. Disgorgement

If you answered "yes" to question No. 1, you must next determine what the appropriate measure of damages should be. If you believe that it is fair and equitable to award Dr. Bianco all or a portion of Globus's net profits, please state how much of Globus's profits are attributable to the misappropriation of Dr. Bianco's trade secret. If you find that it is not fair and equitable to award Dr. Bianco all or a portion of Globus's net profits, please leave the answer blank.

Answer in dollars.

Answer: _____

b. Reasonable Royalty

If you believe the proper measure of Dr. Bianco's damages is a reasonable royalty, please state that amount below.

Answer in dollars.

Answer: 4,295,760⁰⁰

Even if you conclude that it is fair and equitable to award Dr. Bianco all or a portion of Globus's net profits, please state the amount that you believe would be a reasonable royalty for the misappropriated trade secret (if you calculated a reasonable royalty for the previous answer, then you should repeat that answer here).

Answer in dollars.

Answer: 4,295,760⁰⁰

Question No. 3.

Do you find that Dr. Bianco has proved by a preponderance of the evidence that Globus Medical, Inc., breached a valid contract it had with him?

Answer "yes" or "no."

Answer: NO

If you answered "yes" to question No. 3, then answer question No. 4. Otherwise, do not answer question No. 4.

Question No. 4.

If you answered "yes" to question No. 3, please state what sum of money, if any, paid now in cash, would reasonably and fairly compensate Dr. Bianco for his damages arising from that breach of contract.

Answer in dollars.

Answer: _____

VERDICT FORM SIGNATURE

We, the jury, have unanimously agreed to the answers to each of the attached Questions and return these answers as our verdict in this case.

1/17/14
DATE

Jim R. West
FOREPERSON